

GUIDANCE TO DETERMINE CONDUCT AND SEVERITY OF A VIOLATION WHEN ASSESSING CIVIL ADMINISTRATIVE PENALTIES

The intent of this guidance is to foster consistency in approach when the Complaint Review Team, Professional Conduct Committee or SRPL Board finds an LSRP in violation of SRRA. It will inform decision-making in the present, and will also be evaluated to determine if changes are needed for application in the future. In case-specific complaints, nothing in this guidance shall prevent any of the aforementioned entities from recommending a penalty which they deem appropriate.

PENALTY MATRIX

Upon a finding that a violation of SRRA has occurred, based on the opinion of the Complaint Review Team, Professional Conduct Committee or SRPL Board, the following matrix should be used to categorize the violation and assess a penalty (see following page).

CONDUCT (How Person Acted)	SEVERITY (Impact of Action)
LOW LOW conduct shall include any other conduct not identified in MEDIUM or HIGH below.	LOW No impact to the environment <u>and</u> no impact to public health.
MEDIUM MEDIUM conduct shall include any unintentional but foreseeable act or omission.	MEDIUM Some potential or actual impact to the environment, <u>and</u> no impact to public health.
HIGH HIGH conduct shall include an act or omission that is any of the following <ul style="list-style-type: none"> - Intentional - Deliberate - Purposeful - Knowing or willful - Multiple occurrences (within the same complaint) 	HIGH Significant impact to the environment, <u>or</u> potential or actual impact to public health.

GUIDANCE FOR PENALTY ASSESSMENT

For any violation the penalty shall begin at the dollar amount identified below, and may then be adjusted higher or lower within the range based on case-specific factors including but not limited to:

Aggravating Factors

- The compliance history (if the LSRP has already been the subject of a complaint on this matter, refer to “Subsequent Violation” column);
- Any unusual or extraordinary cost or impacts directly or indirectly imposed on the public or the environment as a result of the violation;

Mitigating factors

- The nature, timing and effectiveness of any measures taken by the violator to mitigate the effect of the violation for which the penalty is being assessed;
- The nature, timing and effectiveness of any measure taken by the violator to prevent future similar violations;
- Other specific circumstances of the violator or the violation determined on a case-specific basis.

VIOLATION	1ST VIOLATION	SUBSEQUENT VIOLATION (Occurring in separate complaint)
LL	\$500 (\$0 - \$1,000)	\$1250 (\$500- \$2,000)
LM; ML	\$1250 (\$500 - \$2,000)	\$2500 (\$1,000 - \$4,000)
MM	\$3000 (\$1,000 - \$5,000)	\$6000 (\$2,000- \$10,000)
HL; LH	\$4000 (\$2,000 - \$6,000)	\$8000 (\$4,000 - \$12,000)
HM; MH	\$7000 (\$4,000 - \$10,000)	\$14,000(\$8,000 - \$20,000)
HH	\$8000 (\$6000 - \$10,000)	\$16,000 (\$12,000 - \$20,000)